

**IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS
WESTERN DIVISION**

KATINA RIGGS-DEGRAFTENREED

PLAINTIFF

v.

No. 4:13-cv-669-DPM

**WELLS FARGO HOME MORTGAGE, INC.
and WELLS FARGO BANK NA**

DEFENDANTS

ORDER

1. Joint report, No 54, noted. The Court appreciates counsels' efforts in meeting and trying to resolve disputes about the Rule 30(b)(6) depositions.
2. Wells Fargo's objections to questioning beyond Riggs-Degraftenreed's case are sustained as follows. Riggs-Degraftenreed may inquire about any of the listed areas *as to her loan and deed of trust*. She may inquire about whether any step was taken (or not taken) pursuant to a Wells Fargo policy. She may inquire about whether any step was taken (or not taken) pursuant to a particular software program. Riggs-Degraftenreed may not inquire, however, about other borrowers in Arkansas or elsewhere. And any questioning about applicable policies or computer programs must involve Riggs-Degraftenreed's transaction with Wells Fargo. She has only a contract claim remaining. Punitive damages are not available. While the general rule is

softening at the margins, BRILL, LAW OF DAMAGES § 9:3 (6th ed. 2014), none of the exceptions apply in this case.

3. Wells Fargo's objections about inquiry into affirmative defenses are overruled with a caveat. The 30(b)(6) witness should be prepared to testify about what *facts* he or she knows that support each defense. Of course Riggs-Degraftenreed may not inquire into the thinking of the bank's lawyer or lawyer/client communications.

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Joint report, No 54, addressed. Discovery is extended again until 29 May 2015 to allow 30(b)(6) depositions to be taken on a mutually convenient date without sprinting. Any dispositive motion due by 15 June 2015.

So Ordered.

D.P. Marshall Jr.
D.P. Marshall Jr.
United States District Judge

27 April 2015